

CALDERDALE METROPOLITAN BOROUGH COUNCIL**PLANNING COMMITTEE****WARDS AFFECTED: MORE THAN THREE**

Date of meeting: 15 November 2022

Chief Officer: Director of Regeneration and Strategy.

1. SUBJECT OF REPORT

APPLICATIONS FOR DETERMINATION RE PLANNING PERMISSION, LISTED BUILDING CONSENT/CONSERVATION AREA CONSENT, LOCAL AUTHORITY APPLICATIONS, CROWN APPLICATION OR CONSENT TO FELL PROTECTED TREES

- (i) Executive Summary
- (ii) Individual Applications

2. INTRODUCTION

- 2.1** The attached report contains two sections. The first section contains a summarised list of all applications to be considered at the Committee and the time when the application will be heard. Applications for Committee consideration have been identified in accordance with Council Standing Orders and delegations.
- 2.2** The second section comprises individual detailed reports relative to the applications to be considered.
- 2.3** These are set out in a standard format including the details of the application and relevant planning site history, representations/comments received arising from publicity and consultations, the officers assessment and recommendation, with suggested conditions or reasons for refusal, as appropriate.
- 2.4** Where the Committee considers that a decision contrary to the recommendation of the Director of Regeneration and Strategy may be appropriate, then consideration of the application may be deferred for further information.
- 2.5** Where a Legal Agreement is required by the Committee, the resolution will be "Mindful to Permit Subject to a Legal Agreement being completed", combined with a delegation to the Director of Regeneration and Strategy.

3. IMPLICATIONS ARISING FROM REPORT

3.1 Planning Policies

These are set out separately in each individual application report.

3.2 Sustainability

Effective planning control uses the basic principle of sustainable development by ensuring that development meets the needs of the present without compromising the ability of future generations to meet their own needs. Through the development control system, the Council can enable environmental damage to be minimised and ensure that resources are used efficiently and waste minimised. Particular sustainability issues will be highlighted in individual reports where appropriate.

3.3 Equal Opportunities

All applications are considered on their merits having regard to Government guidance, the policies of the Development plan and other factors relevant to planning. This will be done using the Development Control Code of Conduct for officers and members as set out in the Council's Standing Orders.

In the vast majority of cases, planning permission is given for land, not to an individual, and the personal circumstances of the applicant are seldom relevant.

However, the Council has to consider the needs of people with disabilities and their needs are a material planning consideration. Reference will be made to any such issues in the individual application reports, where appropriate.

The Council also seeks to apply good practice guidance published in respect of Race and Planning issues.

3.4 Finance

A refusal of planning permission can have financial implications for the Council where a subsequent appeal is lodged by the applicant in respect of the decision or if a case of alleged maladministration is referred to the Local Government Ombudsman or a Judicial Review is sought through the Courts.

In all cases indirect staff costs will be incurred in processing any such forms of 'appeal'.

There is no existing budget to cover any direct costs should any such 'appeal' result in 'costs' being awarded against the Council. These would have to be found by way of compensatory savings from elsewhere in the Planning Services budget.

Reference: 6/00/00/CM

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

FOR FURTHER INFORMATION ON THIS REPORT CONTACT:

Richard Seaman
Corporate Lead
For Planning Services

TELEPHONE :- 01422 392241

DOCUMENTS USED IN THE PREPARATION OF THIS REPORT:

1. Planning Application File (numbered as the application show in the report)
2. National Planning Policy and Guidance
3. Calderdale Development Plan(including any associated preparatory documents)
4. Related appeal and court decisions
5. Related planning applications
6. Relevant guideline/good practice documents

DOCUMENTS ARE AVAILABLE FOR INSPECTION AT:

www.calderdale.gov.uk.

You can access the Council's website at the Council's Customer First offices and Council Libraries.

List of Applications at Committee 15 November 2022

Time & No.	App No.	Location	Proposal	Ward	Page No.
1400 - 01	22/00958/FUL	A629 Phase Two Commercial Street Halifax Calderdale	Amendment of the road alignment along Church Street and red line boundary of planning permission 20/00217/FUL and that the application is accompanied by an environmental statement.	Town	5 - 17
1400 - 02	22/00592/FUL	Land Adjacent To 31 Bright Street Sowerby Bridge Calderdale	Construction of 4 x 4 bed dwellings with associated parking and amenity space	Sowerby Bridge	18 - 29
1400 - 03	22/00777/OUT	Land East Of Padan Arum Cottage Old Lindley Road Outlane Elland Calderdale	Farm workers dwelling (Outline)	Greetland And Stainland	30 – 43

Time Not Before: 1400 - 01

Application No: **22/00958/FUL**

Ward: **Town**

Area Team: **South Team**

Proposal:

Amendment of the road alignment along Church Street and red line boundary of planning permission 20/00217/FUL and that the application is accompanied by an environmental statement.

Location:

A629 Phase Two Commercial Street Halifax Calderdale



Applicant:

Calderdale Metropolitan Borough Council

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Environmental Health Services - Pollution Section (E)

Northern Gas Networks

Environment Agency (Waste & Water)

Yorkshire Water Services Ltd
Countryside Services (E)
Historic England
Lead Local Flood Authority
Amenity Bodies
Business And Economy
West Yorkshire Passenger Transport Exec
West Yorkshire Police ALO
National Grid
Health & Safety Executive (use PADI+)
Network Rail, North West Zone

This application forms part of the second of five main phases of a comprehensive scheme to provide a multi-modal transport corridor between Halifax and Huddersfield, Phase 1a Salterhebble to Shaw Hill has been completed. The application is a revision of Planning Application 20/00217/FUL, following a redesign of the road alignment on Church Street, Halifax, this has been made possible due to No.1 Deal Street being identified to be structurally unsafe and subsequently demolished.

This application is brought before the Planning Committee because the Corporate Lead - Planning considers that the application should be referred to the Planning Committee for determination because of the sensitivity of the proposal and that Committee considered the previous proposals reference 20/00217/FUL.

Description of Site and Proposal

This application is a small part of the wider consented scheme covering Halifax Town Centre which seeks to improve connectivity, pedestrian, cycle and public transport facilities, through a number of Interventions including junction remodelling, road widening and realignment, provision of cycle lanes, new controlled and uncontrolled pedestrian crossings, improved public realm and streetscape.

The site subject of this planning application consists of the existing highway along Church Street and Deal Street including the roundabout to the south and an area of vacant land to the west of Church Street. The vacant land consists partly of the site of the former Grade II listed no.1 Deal Street. The application site is defined by the junction between Horton Street and Square Road to the north and Lilly Lane, New Road, Prescott Street and South Parade to the south.

The applicant states that realignment of Church Street needs to achieve a minimum 9.3m highway width in order to accommodate larger vehicles and the required higher traffic flows.

The main changes to the previously submitted scheme are:

- The realignment of the highway section adjacent to no.48-58 Hermitage Mews (also known as Heritage Mews) to the west by approximately 2.5m from the alignment of the approved scheme.
- Land-take to the northeast to accommodate a bus stop layby is no longer proposed.

- The proposals would avoid the moving of the historic gate piers and the use of the front amenity area of No.48-58 Hermitage Mews.

The application is accompanied by the following supporting documents:

- Environmental Statement Addendum
- Planning Statement

Environmental Impact Assessment

The project has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as the proposal has the potential for being an EIA development, being a development, which falls within Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The Planning Authority considered that the project described is an EIA development because of the likelihood of substantial harm to the historic environment. A notification of this Screening Opinion was issued and uploaded under reference 17/06002/EIA.

As the development is an EIA development Part 9 (Development relating to roads) of The Town and Country Planning (General Permitted Development) (England) Order 2015 does not apply therefore all works including works in the highway require planning permission.

As this application is an amendment to the development granted under Planning permission 20/00217, the applicant has submitted an addendum to the originally submitted Environmental Statement.

The following is a summary of the conclusions of the assessments. The conclusion assumes that all of the proposed measures to minimise or mitigate a particular impact would be implemented.

A preliminary environmental assessment of whether there would be any new or materially different likely significant effects on the environment, arising as a result of Proposed Development changes, has been undertaken. All disciplines aside from Air Quality, Noise and Vibration, and Cultural Heritage were screened-out of any further assessment, this reflects the limited scale and minor nature of the Proposed Development changes.

The EA Addendum notes that the proposed realignment of the red line boundary moves the position of the kerb to the east of Church Street approximately 2.0 m further away from some receptors to the east of that road relative to the consented scheme. The proposed realignment also moves the position of the kerb to the west of Church Street approximately 2.5 m further away from some receptors to the east of that road relative to the consented scheme.

Whilst the widening of Church Street may move flows up to approximately 1.5 m further from receptors on Church Street, it will potentially move flows a comparable distance closer to receptors on New Road.

Air Quality

The change in kerb alignment and resultant change in centre-line is minor and the resultant effect on pollutant concentrations and impacts will be minimal and would not alter the conclusions reported within the ES.

Noise and Vibration

There would be no material change in identified impacts and effects compared with the consented scheme.

Townscape and Visual Impact

No new receptors would be affected by the minor changes to the consented scheme boundary.

Heritage

The Proposed Development changes will result in heritage benefits including localised enhancements to the conservation area and the associated improvement to visual amenity in the settings of designated and none designated heritage assets. The Proposed Development changes will enhance the setting of 1-5 Deal Street and will avoid harm to the boundary wall of Hermitage Mews and the former pedestrian entrance to Halifax Railway Station which were previously due to be removed and rebuilt/relocated as part of the consented scheme.

Relevant Planning History

An application for: Proposed Halifax Town Centre and A629 improvement works. Including demolition, creation of new public realm and improved bus, cycle and pedestrian facilities was considered by Planning Committee on 15 January 2019, the recommendation was "In accordance with Regulation 4a of the Town and Country Planning General Regulations 1992 (as amended) to refer the application to the Secretary of State for Housing Community and Local Government for determination". Before the application could be referred, the Hughes Corporation building (31 Church Street) was Listed Grade II by the Secretary of State for Housing Community and Local Government and subsequently the application was withdrawn on 16 September 2019 (Planning Reference 18/01095).

An application for: Proposed Halifax Town Centre and A629 improvement works. Including demolition, creation of new public realm and improved bus, cycle and pedestrian facilities was considered by Planning Committee on 16 June 2020, the recommendation was Permit (Planning Reference 20/00217/FUL).

Key Policy Context:

Replacement Calderdale Unitary Development Plan Designation/Allocation	GBE1 GS2 Town Centre Halifax Town Centre Conservation Area
Replacement Calderdale Unitary Development Plan policies	BE1 General Design Criteria BE2 Privacy, Daylighting and Amenity Space BE5 The Design and Layout of Highways and Accesses BE6 The Provision of Safe Pedestrian Environments BE15 Setting of a Listed Building BE18 Development within Conservation Area EP9 Development of Contaminated Sites

	EP10 Development of Sites with Potential Contamination EP14 Protection of Groundwater EP22 Sustainable Drainage Systems
National Planning Policy Framework Paragraphs	2. Achieving sustainable development 9. Promoting sustainable transport 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding and coastal change 15. Conserving and enhancing the natural environment 16 Conserving and enhancing the historic environment
Other relevant planning constraints	Listed Buildings India Buildings Grade II 1-5 Deal Street Grade II Bat Alert Area
Other Material Planning Considerations	Calderdale Climate Emergency Declaration Emerging Local Plan

Publicity/ Representations:

The application was publicised with site notices and in the press because the application was accompanied by an Environmental Statement and is development which would affect the character or setting of a Listed Building and Conservation Area. In addition, 80 neighbour notification letters were sent.

One letter of support was received.

“We are so happy to hear that a new scheme to improve this part of the town it is finally taking place”

Parish/Town Council Comments

The development is not located within a parished area.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) compliments this requirement. The revised NPPF was updated in July 2021 and sets out the Government’s planning policies for England and how these are expected to be applied, alongside other national planning policies. Paragraph 219 of Annex 1 (Implementation) of the NPPF advises to the effect that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt...designated heritage assets]*) or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposed development is considered sustainable and acceptable in principle as it would meet the objectives in Paragraph 8 of the NPPF by helping to build a strong, responsive and competitive economy by improving traffic conditions and unlocking sites to attract investment. And by supporting a vibrant and healthy community through provision of new and improved public realm, walking and cycle facilities; and enhancing the natural and built environment to better reveal Halifax's Heritage.

Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard must be given to the desirability of preserving the building and its setting or any features of special architectural/historic interest

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Decision makers must give importance and weight to the desirability of avoiding any harm to designated heritage assets, to give effect to the LPA's statutory duties under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted.

The requirements of Sections 66 and 72 are set out legislation and as such they are legal duties rather than policy requirements that the Council can choose to attach limited weight to. This is reflected in paragraph 199 of the NPPF, which states:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Also, in considering the impact of development on a heritage asset regard must be had to the significance of that heritage asset, in accordance with paragraph 195 of the NPPF:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on

a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

The development is within Halifax Town Centre Conservation Area. Halifax is a prime example of Victorian and Edwardian civic and commercial centre. There is little regimentation or uniformity in buildings as a result the individual buildings often display their own character, providing interesting skylines and townscape features.

In close proximity to the site are the Grade II listed warehouses at Deal Street and India Buildings. None designated Heritage Assets include the former pedestrian gate piers to Halifax Railway Station, that marks the original 1855 approach to the station, and a row of back to back terraced houses called Hermitage Mews (otherwise known locally as Heritage Mews),

In addition, paragraph 197 of the NPPF states that:-

"In determining applications, local planning authorities should take account of:
a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness"

Paragraph 200 of the NPPF states:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

(a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

(b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional"*

RCUDP Policy BE15 (Setting of Listed Building) states that development will not be permitted where through its siting, scale, design or nature would harm the setting of the listed building.

RCUDP Policy BE18 (Development within Conservation Areas) states that new development should respect the characteristics of the buildings in the area, the townscape and landscape and the open spaces, nature conservation and trees.

Historic England has been consulted have raised no objection and they have provided the following comments:

Historic England provided detailed advice in response to the previous planning applications for the A629. A large part of this advice related to the need to minimise the impact of the road scheme on the Grade II listed warehouses at Deal Street. Since that time, and separate to the A629 scheme, part of the listed building has been demolished on safety grounds. We therefore have no objection to the proposal to realign the red line boundary as proposed. This would avoid any physical impact on the gate piers and former pedestrian entrance to Halifax train station and the boundary walls to Hermitage Mews, which although unlisted make a contribution to the character of the conservation area.

The Councils Conservation officer has been consulted and has raised no objections stating that they concur with English Heritage's comments.

The development would not cause harm to, or loss of, the significance of a designated heritage assets or none designated heritage assets it is therefore considered that the proposal, subject to conditions satisfies the requirements of section 16 of the NPPF and policies BE15 and BE18 of the RCUDP.

Highways and Residential Amenity

RCUDP policy GT4 sets out a hierarchy of considerations to assist in the consideration of design of transport schemes to ensure that the needs and safety of each group of road users are sequentially considered and that each user group is given proper consideration so that new schemes will ideally improve existing conditions and would not make conditions worse for the more vulnerable transport users. The hierarchy of consideration is;-

- “ i. Pedestrians, people with disabilities and emergency services
- ii. cyclists and horse riders
- iii. public transport users
- iv. taxis and motorcyclists
- v. deliveries
- vi. shoppers travelling by car
- vii. other freight movements
- viii other high occupancy vehicles; and
- ix. other private cars

Policy BE5 establishes that the design and layout of highways and accesses should ensure a safe and free flow of traffic, allow access by public transport, convenient pedestrian routes and an attractive environment.

The wider scheme proposes interventions aimed to improve traffic conditions in and immediately around the centre of Halifax, by reducing congestion and traffic journey times, improving pedestrian/cycle accessibility and reducing bus journey times.

The Proposed Development being considered here consists of minor alterations to the approved alignment of Church Street. This includes the realignment of the highway to the west to the section adjacent to no.48-58 Hermitage Mews. This will avoid a physical impact on Hermitage Mews whilst still optimising the highway width to improve traffic flow. This also includes the further widening of the highway along the approach to the junction with Lilly Lane/ New Road to allow for a separate right-turn lane. These changes are in accordance with the objectives of the approved scheme to improve traffic flow along Church Street as part of a wider Eastern Corridor road route.

To the south of Church Street at the junction with New Road, the red line boundary is slightly amended to allow pavement works to extend to the new pavement edge following the realignment of Church Street and to facilitate improved cycle access to New Road. This accords with the objectives of the consented scheme to improve cycle accessibility and approved plans for a new cycle route between South Parade and New Road.

The Proposed Development further seeks to remove the bus stop layby to the north east of Church Street. Buses in the southbound direction will instead stop on the main carriageway. This will improve bus journey times by reducing stoppage times without substantially hindering traffic flow. This accords with the objectives of the consented scheme to improve bus journey times and accessibility whilst improving traffic flows along Church Street

Highways raise no objections to the proposals which are considered to accord with RCUDP Policies GT4 and BE5.

Layout, Design & Materials

RCUDP Policy BE1 calls for development to make a positive contribution to the quality of the existing environment or, at the very least, maintain that quality by means of high standards of design.

The Conservation team raise no objection in principle to the choice of materials in this location. An amended plan has been provided to clearly show the extent of the retained cobbles adjacent to India Buildings which is welcomed.

The proposals are considered to accord with RCUDP Policy BE1.

Flooding and drainage

RCUDP Policies EP14 and EP20 establish that ground and surface water will be protected, and development will not be permitted if it would increase the risk of flooding due to the surface water run-off or obstruction. Sustainable Drainage Systems should be incorporated where appropriate in accordance with Policy EP22.

The interventions are solely associated with highways and the drainage would link into existing highways drainage.

The Environment Agency consider the proposed development raises no additional concerns and is acceptable.

The Assistant Director – Strategic Infrastructure (Drainage) has raised no objections to the proposed development.

Subject to the recommended conditions the proposals are considered to be in general accordance with RCUDP Policies EP14, EP20 and EP22.

Wildlife Conservation Trees and Landscaping

Section 15 of the NPPF 'Conserving and enhancing the natural environment states in Paragraph 174 (d) that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 180 of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d)opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The site is not within or outside a Site of Special Scientific Interest or constitutes irreplaceable habitats (such as ancient woodland and ancient or veteran trees) therefore bullet points b and c of Paragraph 180 do not apply. The presence of protected species is a material planning consideration.

RCUDP Policy NE16 (Protection of Protected Species) establishes that development will not be permitted where it would harm protected species.

RCUDP Policy NE17 (Biodiversity Enhancement) establishes that where appropriate development will be required to enhance biodiversity

There will be no demolition or removal / introduction of landscaping as part of this amendment. There are no new issues that are raised by this small amendment and the Council's Biodiversity and Conservation Officers support for the scheme as a whole remain. The development is considered to accord with RCUDP Policy NE16 and NE17

Balance of considerations

Whilst the properties adjacent to Church Street would experience a deterioration in air quality and noise when compared to the existing situation due to the scheme as a whole, these amendments will provide some mitigation due to moving the highway away from their properties. These properties are likely to experience a deterioration in the do nothing situation due to anticipated increase in traffic volumes. When considered as a whole the proposed changes would provide improvements to the setting of non-designated Heritage assets and public realm improvements are considered to have potential to generate wider health benefits, including improvements to pedestrian and cycle facilities, with associated beneficial effects for health and reduction in health inequalities.

The public benefits of the development are considered to outweigh the adverse impacts on sensitive receptors. On balance it is considered that the development can be approved subject to controlling conditions.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified below. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 10 October 2022

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:-

Anita Seymour

Conditions

1. The development shall be carried out in complete accordance with the approved plans unless the variation from approved plans is required by any other condition of this permission.
2. Before any artificial lighting is installed a scheme to adequately control details of and any glare and stray light produced by artificial lighting at the proposed development should be submitted to, and approved in writing by, the Local Planning Authority. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005) for zone E3 and the Bat Conservation Trust (BCT) "Recommendations to Help Minimise the Impact of Artificial Lighting (dated 2014) for the Eastern Corridor zone. The artificial lighting should be installed in accordance with the scheme so approved and retained thereafter.
The scheme should include the following information:-
 - a) The proposed type of luminaires to be installed showing for each unit, the location, height, orientation, light source type and power.
 - b) The proposed level of maintained illuminance, measured horizontally at ground level. Including the maintenance factor.
 - b) The predicted maximum vertical illuminance that will be caused by the lighting when measured at windows of any residential properties in the vicinity.
 - c) The proposals to minimise or eliminate glare from the use of the lighting installation when viewed from windows of properties in the vicinity.
 - e) The proposed hours of operation of the lighting.Furthermore, there shall be submitted upon completion of the development, a statement of a suitably qualified contractor, that any lighting installation to which this condition applies is fully compliant with the ILE guidance.
3. The development permitted by the planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by AECOM, dated February 2020, "A629 Phase 2 Halifax Town Centre, Environmental Statement Volume II, Appendix 9A: Flood Risk Assessment", Project No 6052827. The mitigation measures shall be fully implemented prior to the scheme coming into use
4. No drainage works shall begin until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter
5. The development should not begin until a Surface Water Management Plan during construction has been submitted to and approved in writing by the Local Planning Authority. This should detail how the applicant will ensure the site does not cause pollution or an increased flood risk during the works
6. A survey of existing site drainage, including any culverts/watercourses that may cross the site, showing connectivity and condition, shall be carried out prior to commencement on site, and the findings submitted to the Local Authority for comment

7. No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones" (To include the Hebble Brook and adjacent areas)
 - c) Practical measures to avoid or reduce impacts during construction.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Details of ecological surveys that need to be conducted prior to commencement of construction activities.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details
8. Prior to the commencement of any excavation works, an invasive species management plan shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of invasive non-native plant species on site. The measures shall be carried out strictly in accordance with the approved scheme
9. The construction phase work as detailed in the application shall at all times be carried out with regard to the mitigation/ enhancement measures set out in Table 3-2 (air pollution) and Table 3-3 (noise and vibration) of Volume II of the A629 Phase 2 Halifax Town Centre Environmental Statement submitted with the planning application. The monitoring requirements set out in Tables 3-2 and 3-3 shall be included in the final Construction Environmental management Plan (CEMP) and the inspection logs covering noise and emissions to air shall be kept and made available to Calderdale Council on request

Reasons

1. The development shall be carried out in complete accordance with the approved plans, unless the variation from approved plans is required by any other condition of this permission.
2. For the avoidance of doubt and in the interests of the amenities of neighbouring properties, biodiversity and pollution prevention and to ensure compliance with BE7 of the Replacement Calderdale Unitary Development Plan.
3. To reduce the risk of flooding from blockages to the existing bridge and to ensure the additional structure of the bridge will not impact or impede the hydraulic characteristics of the channel. Having Regard to Policy EP20 of Calderdale Unitary Development Plan
4. To ensure proper drainage of the site and to ensure compliance with EP22 of the Replacement Calderdale Unitary Development Plan
5. To protect watersources during construction and to ensure compliance with the EP12; of the Replacement Calderdale Unitary Development Plan.

6. To ensure proper drainage of the site and to ensure compliance with EP14 of the Replacement Calderdale Unitary Development Plan.
 7. In the interests of conservation and to protect the ecological species, and in order to ensure compliance with NE16 of the Replacement Calderdale Unitary Development Plan
 8. To ensure that the site is properly cleared of Invasive species
 9. In the interests of local amenity.
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Time Not Before: 1400 - 02

Application No: 22/00592/FUL

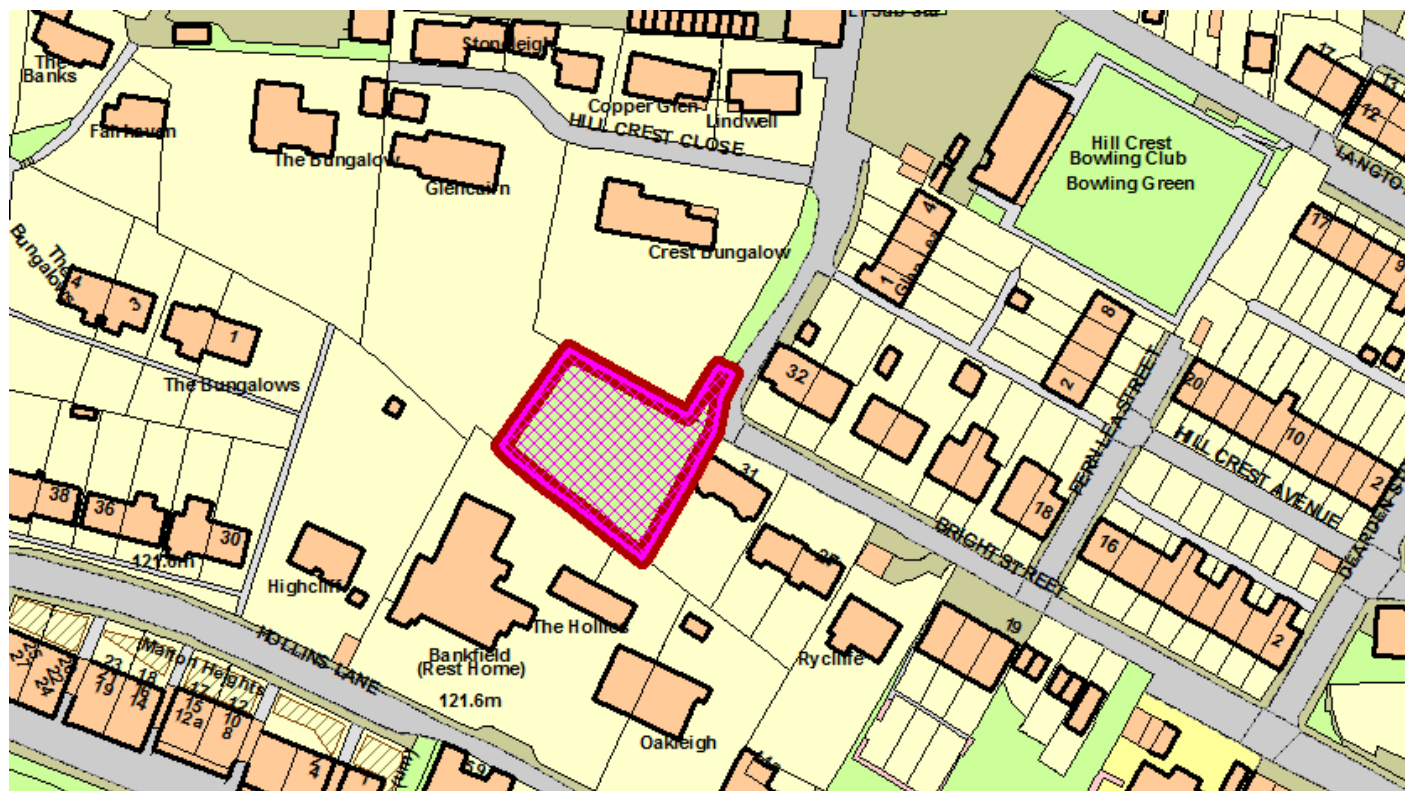
Ward: **Sowerby Bridge**
Area Team: **South Team**

Proposal:

Construction of 4 x 4 bed dwellings with associated parking and amenity space

Location:

Land Adjacent To 31 Bright Street Sowerby Bridge Calderdale



Applicant:

Mr B Manning

Recommendation: **PERMIT**

Parish Council Representations:

N/A

Representations:

Yes

Departure from Development Plan:

No

Consultations:

Highways Section

Highways Section

Conservation Officers

Highways Section

Yorkshire Water Services Ltd

Description of Site and Proposal

The site is a fairly large section of unused land (0.085ha) situated at the end of Bright Street (unadopted), Sowerby Bridge and just south of the main A646 Burnley Road. It is situated within a residential area of mixed property types mostly constructed of natural and artificial stone with natural blue slate roofs.

The proposal is a new application to construct 4 x 4 bedroom dwellings (two pairs of semi-detached dwellings) with associated parking and amenity space.

The application is accompanied by the following supporting documents:

- Bat report 1 & 2
- Phase 1

The application has been referred to Planning Committee due to the sensitive nature of the application.

Relevant Planning History

An application for two detached dwellings was refused under delegated powers 21 March 2005 on grounds they were contrary to policy H9 (residential development on unallocated greenfield land) and overlooking (application number 04/02380/FUL)

An application for two detached dwellings was refused under delegated powers 31 August 2005 on grounds they were contrary to policy H9 (residential development on unallocated greenfield land) and overlooking (application number 05/01274/FUL)

An outline application for two detached dwellings was refused under delegated powers 04 December 2006 on grounds they were contrary to policy H9 (residential development on unallocated greenfield land) (application number 06/02010/OUT)

An application for one detached dwelling was permitted 09 May 2013 under delegated powers (application number 13/00294/FUL)

An application for two detached dwellings was permitted under delegated powers 30 December 2014 (application number 14/01275/FUL).

An application for three detached houses was permitted under delegated powers 25 November 2015 (application number 15/01234/FUL).

An application for three detached houses was permitted under delegated powers on 3rd July 2018 (application number 18/00560/FUL)

Key Policy Context:

Replacement Calderdale Unitary Development Plan Designation	Primary Housing Area, Wildlife Corridor
Replacement Calderdale Unitary Development Plan policies	H2 Primary Housing Areas H9 Non Allocated Sites BE1 General Design Criteria BE2 Privacy, Daylighting & Amenity Space BE5 The Design and Layout of Highways and Accesses T18 Maximum Parking Allowances NE15 Development in Wildlife Corridors NE16 Protection of Protected Species NE17 Biodiversity Enhancement EP10 Development of sites with potential contamination EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems
National Planning Policy Framework	5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 12. Achieving well-designed places 15. Conserving and enhancing natural environment
Other relevant planning Constraints	Bat alert area
Other material planning considerations	Climate Emergency Declaration (Jan 2019) Emerging Local Plan

Publicity/ Representations:

The application was publicised with neighbour notification letters.
Twenty-Two letters of representation were received.

Summary of points raised:

Objection:

- Existing unadopted road is in a bad state of repair
- Loss of wildlife
- No visitor parking
- Infrastructure not adequate to deal with anymore dwellings
- Awkward plot for building
- Access into the site problematic
- Surface water on properties below
- Covenant on the land stating no building
- Materials proposed not in keeping with the area
- No capacity for additional cars
- Bright Street leading to Glen Street has become a rat run
- Delivery vehicles will struggle
- Height of proposed dwellings are excessive
- Overdevelopment of the site
- Block light to nursing home below

Summary of points raised:

Support:

- Supports the additional dwellings

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2021 (NPPF) then sets out the Government's planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

The NPPF has a presumption in favour of sustainable development which means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *[for example...land designated as Green Belt...designated heritage assets]* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In this instance, the site does not lie within a protected area where the framework indicates that development should be restricted.

The site lies within the Primary Housing Area where RCUDP policies H2 (Primary Housing Areas) and H9 (Non-Allocated Sites) are relevant. It is recognised however that the references in H2 and H9 to residential development only being acceptable on previously developed, brownfield sites, are not compliant with the NPPF. The NPPF encourages the re-use of brownfield land but does not preclude new residential development on undeveloped greenfield land. As such, the presumption in favour of development applies and the principle of the proposal is acceptable.

The application site is considered greenfield land and the presumption in favour of sustainable development applies. The application site is within a highly sustainable location which is close to public transport and schools and other local facilities/services.

Furthermore, the principle of residential development on the site has already been established through the granting of application 18/00560/FUL.

Therefore, the proposed development is considered to be acceptable in principle. Visual and residential amenity, as well as highway considerations and other relevant issues, are considered further below.

Residential Amenity

RCUDP policy BE2 establishes that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

There are openings proposed to the sides of all the plots as follows:

- Lower ground floor openings relate to a window to the stairs and side door into a hallway;
- Ground floor openings relate to a stairwell window;
- First floor openings relate to a stairwell opening and bathroom window; and
- Second floor openings relate to a stairwell window and bathroom window.

The bathroom windows would be conditioned to be obscure glazed and as the stairwell windows are non-habitable room windows. Officers consider that it is unlikely that the windows on the side elevations of each plot would create any privacy or amenity issues.

The plot nearest the dwelling known as 31 Bright Street has a blank side elevation and as such those windows are unlikely to cause any privacy or amenity issues to that dwelling.

The plots would be sited approximately 21m away from the property known as 'Bankfield Rest Home'. The proposed tiered gardens to the front of the plots would be sited closer to these properties which are at a lower ground level to the site, and it is considered that sufficient boundary treatment is necessary to prevent overlooking from these tiered gardens and the removal of permitted development rights will assist in reducing impacts on residential amenity.

The ground level to 'Crest Bungalow to the north is at a higher ground level and there is a boundary wall with 1.8m fence proposed to this boundary also.

There would however be some potential overlooking to the rear patio area of no.31 immediately to the east of the site from the proposed patio of plot 4. However, a 1.8m high close boarded fence to span the patio is shown on the proposed floor plan for each plot that would address this concern with 31 Bright Street and between each plot.

The proposed dwellings are considered not to result in loss of light or overbearing to other neighbouring properties because of their siting and distance away from them.

Given the above the proposal would satisfy policy RCUDP BE2 and Annex A of the RCUDP.

Layout, Design & Materials

RCUDP policy BE1 establishes that development should contribute positively to the quality of the local environment or at very least, maintain that quality. Where feasible, development should respect the established character, retain features/views that contribute to the amenity of the area, retain a sense of local identity, should not intrude on key views/vistas, should not significantly affect privacy, daylighting and amenity of residents, should incorporate trees/landscaping, should be energy efficient and consider security and crime prevention needs.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development, creates better places in which to live and work and helps make development acceptable to communities....”

The design of the dwellings is such that they had to take account of the steep site and therefore are four storeys in height when viewed from the rear and three storeys when viewed from the front.

The walling is proposed to be artificial stone with coloured render or cladding to dark grey features and the roof proposed dark grey concrete tiles. The surrounding local area is predominately natural stone and natural blue slate. It is therefore considered by Officer's that a good artificial stone would be required so that the proposal is in keeping with the immediate area as there are a few additional new dwellings on Bright Street that have been constructed out of a good artificial stone.

The windows and doors are proposed as being dark grey UPV or aluminium. The boundary walls would consist of artificial stone and a timber close boarded fencing for the division between the plots. The proposed access is bitmac surfacing.

Given the different materials used for properties in the local area, it is considered that these proposed materials would be appropriate and acceptable visually.

In terms of scale, form and design, the proposal is for four storey semi-detached dwellings in two blocks which is slightly higher than the adjacent 31 Bright Street.

The lower ground floor will provide an open-plan kitchen/living/dining room and hallway with WC leading out onto a patio area with steps leading down to the lower garden tier.

The ground floor will provide a WC, covered parking area and cycle space.

The first floor will provide three bedrooms and bathroom with master en-suite bedroom within the roof space.

The dwellings from the south (rear) will be four storeys in height and from the north (front) will be three storey in height.

The south west elevations of the proposed dwellings are quite distinctly designed with a patio area at lower ground level and feature gable to be rendered which provides all the openings on the south elevation. However, given the varying designs to properties in the street and the area, the sloping land and potential views from the new dwellings these designs would be beneficial to their occupiers and not appear obtrusive given also the limited views from Hollins Lane itself. It would be sited in a similar position to the adjacent property 31 Bright Street but with a slightly higher ridge height.

Given the above and subject to conditions the proposal would satisfy RCUDP policy BE1 and paragraph 126 of Section 12 of the NPPF.

Highway Considerations

Policy BE5 seeks to secure highways and accesses whose design and layout ensure the safe and free flow of traffic in the interests of highway safety and to provide an attractive environment. Policy T18 seeks to ensure there is adequate off street parking facilities.

Paragraph 112(e) of the NPPF establishes that development should be designed where practical to incorporate facilities for charging plug-in and other ultra-low emission vehicles. As such, a condition was previously included requiring the installation of a suitable facility to permit the recharge of an electrical battery powered vehicle that may be used in connection with that dwelling if approved.

The Assistant Director – Strategic Infrastructure (Highways) has been consulted and commented the following:

‘This is a compact site with minimal dimensions for manoeuvring vehicles. That said, the application does establish such detail is provided and as such there are no highway objections to this application subject to conditions.’

Conditions are suggested in relation to parking, and electric car charge point.

Bright Street itself is unadopted and cannot be conditioned to be repaired despite the objector’s concerns.

Subject to conditions, the proposal is considered to comply with policies T18 and BE5 of the RCUDP.

Flooding and drainage

RCUDP Policies EP20 and EP22 establish that ground and surface water will be protected and development will not be permitted if it would increase the risk of flooding due to the surface water run-off or obstruction. EP14 which deals with the protection of groundwater is also relevant. Sustainable Drainage Systems should be incorporated where appropriate.

There is an emphasis on Applicants to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected. The development proposes a connection to the mains sewer drainage system. However, full details have not been shown on a plan and as such if recommended for approval a condition requiring full details would be included.

Given the above and subject to condition the proposal is considered to satisfy RCUDP policies EP14, EP20 and EP22.

Ground conditions

RCUDP policy EP10 states that Development will be permitted on sites where there is minor contamination or slight possibility of contamination, subject to a site contamination survey and report with approved remediation measures.

The site falls within an area of land contamination and a ‘Phase 1’ risk assessment has not been submitted. The Head of Housing & Environment - Environmental Protection Section (Env. Health) has not responded on this application but given the similar type of development the comment from the previous approval 14/01275/FUL are reiterated in that *‘Due to the potential for contamination from the previous uses of the land detailed in this planning proposal, and because of the increased sensitivity of the proposal i.e. for residential development’*. Following these comments, a land contamination condition is recommended.

Subject to a condition, the proposal would comply with policy RCUDP EP10.

Wildlife Conservation

Policy NE16 discusses the protection of protected species and establishes that development will not be permitted if it would harm the habitat requirements of legally protected, rare or threatened wildlife species and the species themselves unless provision is made to protect those species and their habitats.

RCUDP policy NE17 establishes that development will be required where appropriate to protect, maintain and biodiversity, to protect, restore and manage features of ecological importance and important species and their habitats; and create new wildlife habitats, especially where they will link to wildlife corridors or isolated habitats or create buffer zones.

The site is also located within a Wildlife corridor and as such RCUDP policy NE15 is relevant.

The Council's Biodiversity Officer was consulted on the application and has made the following comments:-

"I now understand that there are no trees on site and I am satisfied that the information presented demonstrates that there is a low chance of an adverse impact on roosting bats. I do not believe a bat survey to be required. I am happy for this application to be validated.

I regret that the distant photographs provide insufficient detail and coverage to demonstrate that bats are unlikely to be adversely affected. High resolution and quality photographs systematically showing each of the trees on the site should be submitted to Planning. The photographs should show that there are no finger sized gaps. Otherwise, a bat survey meeting West Yorkshire minimum standards should be performed.

Given the comments received from the Council's Biodiversity Officer it is considered that conditions requiring a bat roosting feature and ensuring that no removal of vegetation is undertaken are necessary.

It is considered that the proposal would not harm the functioning or nature conservation value of the wildlife corridor and would comply with policy NE15.

Subject to conditions, the proposal is therefore considered to accord with RCUDP policies, NE16 and NE17 of the RCUDP.

Other Issues raised

Concerns have been raised by one of the objectors relating to the impact of vehicles on the safety and integrity of the road, and noise and disturbance during building works. It is acknowledged that there is likely to be some disruption to local residents created by the development, however any disruption caused during the construction process will be of a temporary nature and it is not considered by Officers that this would constitute grounds for refusal of this application.

CONCLUSION

The proposal is considered to be acceptable subject to the conditions specified. The recommendation to grant planning permission has been made because the development is in accordance with the policies and proposals in the Replacement Calderdale Unitary Development Plan and National Planning Policy Framework set out in the 'Key Policy Context' section above and there are no material considerations to outweigh the presumption in favour of such development.

Richard Seaman
For and on behalf of
Head of Planning and Highways

Date: 27th October 2022

Further Information

Should you have any queries in respect of this application report, please contact in the first instance:- Janine Branscombe (Case Officer) on 01422 392215.

Conditions

1. The development shall be carried out in accordance with the schedule of approved plans listed above in this decision notice, unless variation of the plans is required by any other condition of this permission.
2. Notwithstanding any details shown on the permitted plans the development shall not begin until details of the proposed facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first brought into use, the development shall be constructed in accordance with the details so approved and shall be so retained thereafter.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking and re-enacting that order) no development falling within Classes A - E of Part 1 of Schedule 2 of the said order shall be carried out without the prior written permission of the Local Planning Authority.
4. In connection with any garage, driveway, vehicle hardstanding or car-port hereby approved for construction within the boundary of a dwelling, prior to the occupation of that dwelling, there shall be installed a facility to permit the recharge of an electrical battery-powered vehicle. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter

5. The development shall not be occupied until the garaging / off street parking facilities shown on the permitted plans for that dwelling have been constructed and surfaced using permeable paved surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities shall thereafter be retained for this purpose for the occupiers of and visitors to the development.
6. Prior to the first occupation of the development, full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) shall have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented prior to the first operation of the development and retained thereafter.
7. No development shall take place until a site investigation (to British Standard 10175:2011) of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before occupation begins and details of the work carried out shall be submitted in a validation report.
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
8. The development shall not begin until plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height and finish of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.
9. Prior to the completion of the walls a single permanent bat roosting feature constructed of concrete, woodcrete, ecostyrocrete or similar material shall be installed within the fabric of each of the dwellings within 50cm of the W facing roofline (but not directly above any windows). The bat roosting features shall be installed in accordance with these details and retained thereafter.
10. No removal or management of any tall vegetation, including brambles, ivy, trees and shrubs, should be carried out between 1st March and 31st August inclusive unless a competent ecologist has undertaken a bird survey immediately before the vegetation has been cleared and provided written confirmation that no birds will be harmed or disturbed and/or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation should be submitted to the Local Planning Authority.

11. The development shall not be occupied until details of the treatment of all boundaries of the site have been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of and shall thereafter be retained.
12. The external rendering of the development shall not begin until details of the colour and texture of the render have been submitted to and approved in writing by the Local Planning Authority. The external facings of the development shall be rendered in accordance with the details so approved prior to the first occupation of the development and shall be so retained thereafter.
13. The bathroom windows in the side elevations of the dwellings hereby permitted shall be glazed in obscure glass, which shall be to the standard minimum level 3 obscurity, and installed prior to the first occupation of the the dwellings and shall be so retained thereafter.

Reasons

1. For the avoidance of doubt as to what benefits from planning permission and to ensure compliance with the Development Plan and National Planning Policy Framework.
2. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with policy BE1 of the Replacement Calderdale Unitary Development Plan.
3. In the interests of visual and residential amenity and to ensure any future developments at the site are controlled.
4. In the interests of meeting the government's targets for radical reductions in greenhouse gas emissions, and to ensure compliance with paragraph 93 (Meeting the challenge of climate change, flooding and coastal change) of the National Planning Policy Framework.
5. To ensure that adequate off-street parking is available for the development and to ensure compliance with policy T18 of the Replacement Calderdale Unitary Development Plan.
6. To ensure proper drainage of the site and to ensure compliance with policies EP18, EP20 and EP22 of the Replacement Calderdale Unitary Development Plan.
7. In the interests of pollution prevention and to ensure compliance with policy EP10 of the Replacement Calderdale Unitary Development Plan.
8. In the interests of highway safety and to ensure compliance with policies T18 and BE5 of the Replacement Calderdale Unitary Development Plan.
9. Reason: to comply with policies NE16 (Protection of Protected Species) and NE17 (Biodiversity Enhancement) of the Calderdale Replacement Unitary Development Plan and section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework 2021

10. Reason: to comply with policies NE16 (Protection of Protected Species) and NE17 (Biodiversity Enhancement) of the Calderdale Replacement Unitary Development Plan and section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework 2021
 11. In the interests of amenity and privacy and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
 12. To ensure the use of appropriate materials in the interests of visual amenity and to ensure compliance with Policy BE1 of the Replacement Calderdale Unitary Development Plan.
 13. In the interests of the privacy of neighbouring occupiers and to ensure compliance with Policy BE2 of the Replacement Calderdale Unitary Development Plan.
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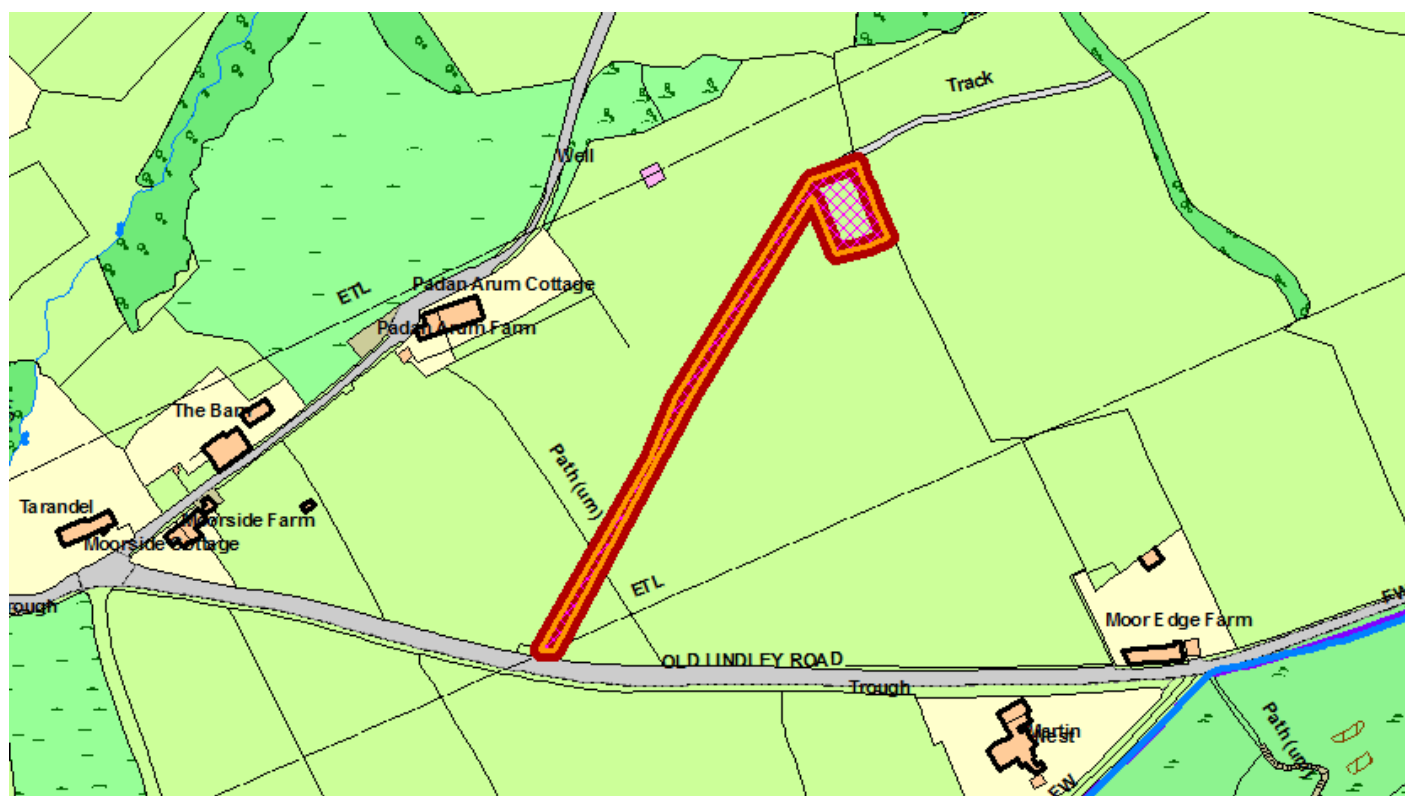
Time Not Before: 1400 - 03

Application No: **22/00777/OUT**

Ward: **Greetland And Stainland**
Area Team: **South Team**

Proposal:
Farm workers dwelling (Outline)

Location:
Land East Of Padan Arum Cottage Old Lindley Road Outlane Elland Calderdale



Applicant:
Mr L Broster

Recommendation: **REFUSE**

Parish Council Representations:	N/A
Representations:	Yes
Departure from Development Plan:	No

Consultations:

Highways Section
Environmental Health Services - Pollution Section (E)

Description of Site and Proposal

The site is situated in open countryside located off Old Lindley Road, in Old Lindley situated to the NE of junction 23 of the M62 known as Land East of Padan Arum Cottage, Old Lindley Road, Outlane, Elland. Access is from Old Lindley Road 207m along a newly formed farm track leading to a newly built agricultural building. The site comprises of an access track, an agricultural building with surrounding agricultural fields.

Mr Liam Broster (the applicant) is the grandson of the founding member Mr Broster of Brosters Farm Shop, which is a successful enterprise located at Haigh House Hill. The applicant currently lives in a property opposite Brosters Farm Shop at 9b Haigh House Hill, Lindley Moor, Huddersfield HD3 3SZ. The land that is farmed by the applicant comprises of approximately 57 hectares (140 acres), 70 acres of which are rented and 70 of which are owned by the family. The applicant rents a further 2000 acres of winter grazing of sheep 5 months of the year. The applicant's family have lived and worked in the area for three generations, the original farm is located at Scarr View Farm off Haigh House Hill. This site is steeply sloping and no further development relating to the farm can take place here due to the topography of the land.

The core enterprise of the business is a commercial Belgium Blue cross suckler beef herd, a pedigree and commercial flock of breeding sheep, a sheep rearing enterprise, a beef rearing enterprise and a pig rearing enterprise. The suckler beef herd comprises a total of 18 breeding cows and calves. The number of additional beef cattle on the holding varies but on average the applicant keeps approximately 70 head. The pedigree sheep enterprise includes 70 Dorset ewes which lamb three times over 24 months as opposed to commercial breeds that only lamb twice over this period. The pig rearing enterprise includes 300 head of store pigs which the applicant keeps on the holding until prime weight. Once ready the livestock are sold to the auction marts or the farm shop. In addition to the routine and peak livestock husbandry tasks undertaken by the applicant there is also 140 acres of grassland to manage this provides winter feed for the livestock.

The majority of the labour demand is met by Liam. This is achieved by working long hours. The nature of the work often demands considerable out of hours labour particularly during lambing and calving times. The applicant does employ some casual labour when required but only on an ad-hoc basis.

Liam Broster currently lives opposite the farm shop in a small, terraced house. Whilst this house has served a purpose during recent years, it is now (according to the agent), unable to meet the functional requirement of the farming enterprises carried out by the applicant.

With the continued expansion and development of the business the site requires the assistance of a full-time agricultural worker to be on site to assist with the management responsibilities and to support the farming business (according to the agent). The submitted information with the application states that the applicant lives 1 mile from the site however the demands of the job mean he is away from his family for long periods of time and this places stresses on the family. The proposed dwelling would allow Mr Broster to spend more time with his family.

The application is a revised scheme to the previously refused planning application for the construction of an agricultural workers dwelling that was refused in May 2022 (21/01548/OUT). In this application the dwelling's location identified by a red square is 207m approx. along the existing farm track and 20m approx. from the current agricultural building at land east of Padan Arum Cottage.

The application has been submitted in outline form with all matters reserved apart from access.

The application has been referred to Planning Committee at the request of Councillor Prashad.

The application is accompanied by the following supporting documents:

- Design and Access Statement
- Labour Calculation
- Foul Drainage Assessment Form
- NFU support

Relevant Planning History

Application number 17/00895/FUL was approved for a proposed construction of an agricultural building under delegated powers on 03.11.2017 -which has been implemented.

Application number 21/01548/OUT was refused planning consent for the proposed construction of a farm workers dwelling under delegated powers on 17.05.2022 -due to the failure to comply with Green Belt policy and the impact of the dwelling on the openness of the Green Belt.

Key Policy Context:

Replacement Development Plan Designation	Calderdale Unitary	Green Belt
Replacement Development Plan policies	Calderdale Unitary	GNE1 Containment of the Urban Area BE1 General Design Criteria BE2 Privacy, Daylight and Amenity Space the Green Belt BE5 The Design and Layout of Highways and Accesses T18 Maximum Parking Allowances EP8 Other Incompatible Uses EP10 Development of Sites with Potential Contamination EP13 Development involving non-mains drainage EP14 Protection of Groundwater EP20 Protection from Flood Risk EP22 Sustainable Drainage Systems NE17 Biodiversity Enhancement
National Planning Policy Framework		5. Delivering a sufficient supply of homes 9. Promoting sustainable transport 12. Achieving well-designed places 13. Protecting Green Belt Land 15. Conserving and enhancing the natural environment
Other Constraints		Non mains sewerage Private Water Supply
Other Material Planning Considerations		Climate Emergency Declaration (Jan 2019) Emerging Local Plan

Publicity/ Representations:

The application was publicised with a site notice and press notice and 9 neighbour notification letters.

1 letter of objection and 2 representations were received, raising the following issues:

- Concerns over flooding
- Concerns over size of the dwelling
- Concerns over impact on Green Belt and openness/ visual amenity
- Other housing available
- Waste and fallen animals are not catered for leading to odours
- Concerns over noise from domestic animals
- Need to ensure planning conditions are attached tying house to a farm worker

Parish/Town Council Comments

The development is located within Stainland and District Parish Council they make the following comments:-

“Need for the development

Under Para 80 of the National Planning Policy Framework development of an isolated home in the countryside may in principle be permitted as an exception where the need for an agricultural worker's dwelling is accepted, subject to compliance with other relevant planning policies.

A strong case is made in the accompanying report for the need of the applicant to live permanently on the farm site. Having also visited the site and heard the applicant's case first hand, the parish council planning committee accepts that the need is genuine, and that the applicant is committed to sustaining agricultural activity on the site for the long term. In addition there will clearly be benefits in terms of animal welfare and site security from the applicant being able to live on site.

One area of concern would be potential further intensification/expansion of activity on the site and the further development pressure that may bring. We note the labour calculation accompanying the application indicates current activity equivalent to four full time staff, however little explanation is provided with this calculation and it is not clear what is included in the hours identified.

The parish council wishes to support the continuation of agricultural activity in the parish for the benefit of the local environment and landscape. The applicant's Planning Statement points to the role of agriculture in maintaining vital "ecosystem services" and highlights the current shift in agricultural policy and support towards environmental land management. However, we understand the applicant, though "registered" for Basic Payments according to the Planning Statement, currently operates independently of this scheme, which is to be phased out in the coming years. No evidence is provided to suggest the applicant is involved in existing environmental land management schemes eg Countryside Stewardship etc. As such there is little evidence that the farm is currently under particular requirements to maintain the land in good environmental condition, or work to a recognised programme of environmental improvement, or that it will be in future. Our concern is that continued growth of the existing business on the site could not only bring further development pressure but could also undermine the environmental benefits ("ecosystem services") which the farm currently provides or could provide.

If a new dwelling is permitted the parish council would support the application of a condition tying its occupation to those wholly or mainly employed in agriculture.

Proposed dwelling location and scale

Although the need for the need for the dwelling is accepted, this does not override other planning policies designed to achieve sustainable development, not least those relating to development in the Green Belt which apply here.

The parish council objected to the previous outline proposal which located the dwelling in open countryside in an exposed elevated position isolated from the more sheltered farm buildings below. The current application has located the proposed dwelling adjacent to the lower level farm buildings which will reduce its visual impact on the landscape and on the openness of the Green Belt subject to appropriate design (see below). Having considered alternative locations around the existing buildings, the parish council has no objection to the proposed location indicated.

On visiting the site it was evident that the topography is complex; steeply sloping but uneven with many boggy troughs and drier, more level plateaux areas more suitable for building. The final site should be carefully selected to minimise landscape impact. One possibility identified was a flatter 'terrace' of land below and between two isolated trees towards the southern edge of the identified area. The feasibility of any building being dug in to the sloping ground should also be considered.

We would expect the scale of any dwelling to be modest, no bigger than needed to meet the purpose for which it was permitted. The maximum size of the building stipulated by the applicant (220sq m gross internal floorspace) suggests the scale of the dwelling would exceed this principle and we would request this figure be reviewed. In addition the form/design of any building should minimise impact on the landscape and the openness of the Green Belt.

Wildlife Corridor

The site is located within a Wildlife Corridor protected in the current Local Plan. As such we would expect the principle of Biodiversity Net Gain to be applied to any development, based on an assessment of its impact on the Corridor and possibly considering the farm as a whole in order to achieve the most effective gains. Native species should be conditioned as part of landscaping works.

Design (relates to any future reserved matters application should outline permission be granted)

Given the exceptional nature of any development we would expect the final design quality of the building including its landscaping to be high. Above all it should reflect in its architectural references, scale, form and materials the agricultural purpose and character of the site and surrounding area. The applicant has indicated his intention to use drystone wall boundaries and this would be welcomed. Subject to any highways requirements, the long farm access track should also maintain the agricultural character of the site and avoid the appearance of a tarmaced road or a domestic driveway."

Ward Councillor Comments

Councillor Prashad requests that the application is referred to Planning Committee if the recommendation is to refuse and makes the following comments:

"I wish to state the following reason why this application should go before the Planning Committee:

It is my opinion that Mr. Broster has clearly demonstrated very exceptional circumstances under paragraph 80 of the NPPF and therefore meets Policy GNE1 OF The Calderdale Unitary Development Plan. Whilst I understand that Mr. Broster lives nearby, the extent of the farming activities clearly demonstrate that the essential need test has been satisfied and the farm cannot be operated from his current dwelling.

In addition to the welfare of the livestock, there is a clear security risk to the animals and Mr. Broster's farm equipment and machinery. For these reasons, it is essential that Mr. Broster lives on site and therefore I would like to support the application.

I would be grateful if you could now confirm that the application will be determined by the Planning Committee.

Assessment of Proposal

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 20th July 2021 (NPPF) complements this requirement and sets out the Government's planning policies for England and how these are to be applied, alongside other national planning policies. The NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the NPPF policies, the greater the weight they may be given.

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 11 of the NPPF establishes that for decision taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; *(for example...Green Belt)* or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The framework indicates that development should be restricted in the Green Belt if there is a clear reason for refusal and if so the presumption in favour of development does not apply.

According to the NPPF, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF goes on to establish that the purposes of the Green Belt are:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land*

Paragraph 149 of the NPPF establishes that the Local Planning Authority should regard the construction of new buildings as inappropriate development in Green Belt. The proposal for a new dwelling does not fall within the list of exceptions within para 149 and thus is considered inappropriate development in the Green Belt.

In relation to inappropriate development, the NPPF states that:

“147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”

RCUDP policy GNE1 states “*The plan will seek to restrain development outside the urban areas through the general extent of the Green Belt*”. However, RCUDP policy NE1, which was the specific Part Two Policy relating to development within the Green Belt, was not saved when the RCUDP was amended by Direction of the Secretary of State on 25 August 2009.

Although the proposal is for a new dwelling which is not in the list of exceptions identified in the NPPF, it is intended as essential accommodation for agricultural workers in association with the existing agricultural use of the surrounding land and buildings. Should this need be demonstrated, then this may be considered to amount to very special circumstances to justify the inappropriate development within the Green Belt.

In terms of siting, the proposal’s location is within the middle of fields approx. 207m along an existing farm track to the north-east of Lindley Old Road. Albeit the siting of the dwelling is now nearer to the agricultural building however as before it is an exposed and visually prominent location isolated within the wider open countryside. There are no nearby buildings apart from the agricultural building which sits in a dip in the topography, natural features or screening and the location is a highly visible, open and rural agricultural character. It is considered that the proposed dwelling will have a significant detrimental impact on the openness and harm the visual quality of the Green Belt as it will be in an isolated position without the back drop of existing buildings or features. However, given there have been no details or plans submitted for appearance, layout and scale there is insufficient information submitted to assess the full extent of harm to the visual amenity and openness of the Green Belt.

Planning Practice Guidance (PPG) – 22nd July 2019 asks the question:

How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 79a (now 80a following the amendments to the NPPF July 2021) of the NPPF could include:

Evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

- The degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;

- Whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- In the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings.

Land holding:

RCUDP policy GNE1 states that a Green Belt will be maintained around the main built-up areas and seeks to restrain development outside the urban areas through the general extent of the Green Belt.

Maps identifying the extent of land owned and rented as part of the applicant's agricultural activities have been submitted. The applicant farms approximately 140 acres of land in relation with the farming unit.

The agent has not provided an agricultural holding number.

Livestock

The supporting information states that the core enterprise of the business is the rearing of livestock to be sold at auction or at the family's farm shop. A breakdown of each has been provided.

A labour calculation for the farm has been provided by the applicant this shows a labour requirement of 8336 hours which equates to over 4 standard labour units or 4 full time farm workers in relation to the land east of Pandam Arum Cottage. No financial records have been provided to indicate the health or otherwise of the applicants' business accounts.

Existing Farm Buildings:

The agricultural unit consists of the following buildings:

- 18m x 9m agricultural building.

Need for New Dwelling

The supporting justification states that:

"Liam Broster currently lives opposite the farm shop in a small, terraced house. Whilst this house has served a purpose during recent years, it is now unable to meet the functional requirement of the farming enterprises carried out by the Applicant.

There is an essential need for the person principally responsible for the routine livestock management to live within sight and sound of the production buildings. Much of the livestock is housed year-round and there is constant turnover of sheep, cattle and pigs on a weekly basis. This means that someone needs to be regularly monitoring the newly bought in stock as well as attending to the husbandry needs of the remaining stock.

Due to the number of cattle, sheep and pigs kept by the applicant the amount of time that is involved in carrying out the routine management including feeding, bedding, weight monitoring, health and welfare tasks, preparation for sale etc is a substantial commitment.

Many of the pigs and cattle are brought to the holding often at a young age. Young animals are vulnerable and susceptible to health complications including pneumonia and scours. The stress of relocation to a new environment heightens the risk of animals contracting these and other diseases. It is therefore necessary to observe very closely the new arrivals and make sure that they are feeding correctly and acclimatising to their new environment.

At present Liam will go to the farm at around 5am to feed the livestock and carry out the first check. Throughout the working day, unless marketing stock, he will be on the farm carrying out routine livestock management. After finishing for the day and going home for tea, Liam will come back before midnight to carry out a final check and provide young stock with additional feed if required. This ensures that the stock has a good level of surveillance however it is a major commitment. Liam currently lives opposite the farm shop which is one mile away from the production buildings but travelling to and from the farm and keeping up these hours means that the risk to livestock and security is increased whilst he is away. If one of the animals is sick and does require attention this can sometimes mean having to stay at the farm throughout the night which without any facilities, which is not appropriate. Furthermore, many of the young cattle housed within the buildings are entire bulls that can sometimes be difficult to handle posing a threat to Liam's wellbeing. It is no longer appropriate for Liam to be away from assistance whilst handling these animals alone particularly outside of normal working hours.

The applicant lambed over 500 ewes in 2021 during the months of March and April. During lambing time Liam relies on casual labour to operate a shift system to ensure continual surveillance of the ewes is undertaken. Again, this is made difficult by living off site but is essential to ensure that the welfare of the livestock is not compromised. With a permanent dwelling on site, Liam would be able to manage the flock more effectively without compromising animal welfare and losses to his business."

The NFU (National Farmers Union) have written in support of the planning application saying they know Liam Broster and his family well and he is hardworking and has been successful in his farming ventures stating the dwelling is required to care for the animals and for security reasons.

Given the established agricultural business and number of livestock, comments have been sought from the Animal Welfare Officer on the justification and need for a new dwelling in the Green Belt for the applicant, which are provided below:

"There is no benefit to the welfare of the animals by living on site. If he lives less than a mile away already there is absolutely no reason to build another house."

Given the proximity of the applicant's current dwelling, and that there would be no negative impact on the welfare of the livestock, Officer's considers that an additional dwelling on site is not essential for the continued viability of the farming business. Calderdale have a number of livestock keepers that are unable to live on site and live a greater distance from the production unit without having a negative impact on the welfare of the animals. Large farms with multiple acreage cannot possibly be within sight or sound of all their animals, but don't require a new dwelling because of this.

Other suitable accommodation in the area

The supporting information suggests that there are no adequate dwellings in the surrounding areas which are within sight and sound of the livestock building.

There has been no assessment provided on this matter apart from the statement that states that there are no dwellings. However, the agricultural holding is 0.5 miles from large housing estates located at Lindley Moor Road and new dwellings on Crosland Road to the south of the site. An internet search (Rightmove 18.10.2022) reveals approx. 11 x 4 bed dwellings for sale all within 0.5-0.8m from the agricultural unit.

The NPPF indicates, under paragraph 80, that LPAs should avoid isolated new houses in the countryside unless there are special circumstances to justify planning permission being granted. In this case, the applicant's supporting case is not considered to be acceptable, the applicant already lives less than 1 mile away from the agricultural unit, the Animal Welfare Officer has stated that from this distance it is quite possible to manage to look after the animals adequately and there are other dwellings in the vicinity that could be potentially nearer. This does not fulfil the requirement of paragraph 80 of the NPPF, being the essential need for a rural worker to live permanently at or very near their place of work in the countryside.

Having applied the criteria in PPG 2019 relating to assessment for essential rural workers, it is considered that the requirement for a permanent agricultural worker's dwelling is not justified on this site and, as such, very special circumstances have not been provided for a new dwelling in the Green Belt.

The dwelling would also be seen as an isolated new dwelling in the Green Belt due to its siting along a farm track between Old Lindley Road and the existing agricultural building. Taking into account national and local planning policy the proposal is considered to be unacceptable under Section 13 of the NPPF.

Materials, Siting, Layout & Design

Policy BE1 seeks development that contributes positively to the local environment through high quality design, respecting the established character of the area in terms of layout, siting, scale, design, materials, and appropriate landscaping. It should not impact on key views or vistas.

Section 12 of the NPPF Achieving well-designed places paragraph 126 states that:

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities,"

Para 80(a) of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

The application is submitted in outline with all matters reserved apart from access therefore no details or plans have been provided of the dwelling. However, the site location plan notes a sizable plot of 441sqm or 21m x 21m, which could accommodate a sizable dwelling, with the agent stating the house would be no bigger than 220sqm. It would be located some 207m along a farm track and would constitute an isolated dwelling located in a visually prominent position in a field with far reaching views across open countryside, according to the proposed location plan. There are no natural or other types of screening available hence the dwelling would be poorly sited and would be highly visible from Old Lindley Road and from various public footpaths. As the application has been submitted in outline with only a red square being the only details that have been submitted for the house it is very difficult to establish exactly how the dwelling would be perceived within the landscape. It has been moved in this application to be nearer to the agricultural building however as before it would result in an incongruous feature in the landscape, harming the established open rural character of the area.

There is an existing farm track which leads to the agricultural unit that will be used to form the access to the dwelling.

The siting of the proposed dwelling is unacceptable as it will be particularly prominent located within an open field within a rural Green Belt setting and the essential need for the dwelling has not been demonstrated. Given the above the proposal is not considered to satisfy RCUDP policy BE1 and para 80(a) of NPPF and Section 12 of the NPPF.

Residential Amenity

Policy BE2 states that development should not significantly affect the privacy, daylighting or amenity space of existing and prospective residents and other occupants. Annex A sets out guidelines to help assess whether such impacts arise.

Policy EP8 does require that where proposals could lead to the juxtaposition of incompatible land-uses they will only be permitted if they do not lead to an unacceptable loss of amenity caused by odour, noise or other problems. Where development is permitted appropriate planning conditions will be added as necessary to provide landscaping, screening or physical separation.

The nearest third-party dwelling would be over 140m away to the west so there would be no privacy concerns.

No comments on the proposal have been provided by Environmental Health.

As such there would be no amenity concerns for third parties and the proposal is considered to satisfy RCUDP policies BE2 and EP8.

Highway and Movement

Policy BE5 seeks to secure highways and accesses whose design and layout ensure the safe and free flow of traffic in the interests of highway safety and to provide an attractive environment. Policy T18 seeks to ensure there is adequate off street parking facilities.

The Assistant Director – Strategic Infrastructure (Highways) were consulted on the application and made the following comments:

“In transport and highway terms the application is identical to 21 01548 OUT. There have been no material changes to relevant transport policies since then therefore the comments below are still applicable:

The pedestrian route to the bus stops and facilities off Old Lindley Road is along narrow unlit roads without a footway.

It is well over 1km to the nearest bus stops; this exceeds the 400-500m distance typically considered to be the threshold maximum walking distance.

The site is not in an accessible location in terms of access to local facilities such as schools and convenience shopping. This is contrary to both the RCUDP and NPFF in that it and will result in residents being reliant on the private car for their day to day needs.

Should the planning officer consider that there is a justification for an agricultural dwelling in this location then details of how refuse will be collected should be submitted.

Subject to conditions, the proposal is therefore considered to comply with Policies BE5 and T18 of Replacement Unitary Development Plan.

Flooding and Drainage

There is an emphasis on applicants to demonstrate that adequate foul and surface water drainage infrastructure is available to serve the proposed development and that ground and surface water is not adversely affected.

The application site is not within a flood risk area. The agent has provided non mains drainage information which states they intend on discharging to a water course. No other details have been provided hence full details along with details of any soakaways would need to be submitted and approved in writing. As such a condition requiring full details would be included if approved.

Given the above and subject to a condition relating to details of drainage being submitted and an informative regarding private water supplies, the proposal would satisfy RCUDP policies EP13 which discusses development involving non-mains drainage, EP14 which deals with the protection of groundwater, EP20 which discusses protection from flood risk and EP22 which discusses sustainable drainage systems.

Wildlife Conservation, Trees and Landscape

The site is located within a bat alert area and a wildlife corridor but does not involve the loss of trees. However, biodiversity enhancement is something we should be encouraging and for that reason if approved a condition stating below is considered appropriate:

Prior to the completion of the walls one permanent swift nesting feature constructed of concrete, woodcrete, ecostyrocrete or similar material shall be installed within the fabric of the dwelling within 50cm of the North facing roofline (but not directly above any windows). The swift nesting feature shall be installed in accordance with these details and shall be so retained thereafter.

In order to comply with policy NE17 (Biodiversity Enhancement) of the Calderdale Replacement Unitary Development Plan and section 15 (Conserving and Enhancing the Natural Environment) of the National Planning Policy Framework.

The Planning Balance

The proposed development site is designated as Green Belt and as such an assessment has to be made as to whether the development is appropriate development and whether it would impact on the openness of the Green Belt. As a new dwelling is proposed Very Special Circumstances have to be submitted to support the application for an agricultural worker's dwelling. Considering the lack of need due to the applicant living less than 1 mile from the agricultural unit, and the fact that there are other nearby buildings available to be either converted or bought that are nearer to the agricultural unit than the applicant's current dwelling if the current house at less than 1 mile away is not close enough, and due to the siting that involves the construction of a dwelling in the middle of a field it is considered that a case of Very Special Circumstances has not been demonstrated on this occasion.

Furthermore, the proposed siting of the dwelling will have a harmful impact on the openness of the Green Belt, with the siting of the dwelling being unacceptable due to it being situated in a highly visible location of open rural character, without the benefit of any screening or other features.

However, given there have been no details or plans submitted for appearance, layout and scale there is insufficient information submitted to assess the full extent of harm to the visual amenity and openness of the Green Belt.

Furthermore, it is considered the welfare of the animals can still be maintained by the applicant as it is now from his current home and the justification for constructing a new dwelling is not founded. The proposal is therefore considered to be unacceptable and would not satisfy the relevant policies set out above.

In accordance with paragraphs 147 and 148 of the NPPF, the harm by definition of inappropriate development, and any other harm is attributed substantial weight in the planning balance. By comparison no other considerations amounting to Very Special Circumstances exist that would clearly outweigh the harm by reason of inappropriateness or the harm to the openness and other purposes of the Green Belt.

CONCLUSION

The proposal is not considered to be acceptable. The recommendation to REFUSE planning permission has been made because the development is not in accordance with policy GNE1 Containment of the Urban Area, BE1 General Design Criteria, of the Replacement Calderdale Unitary Development Plan and paragraphs 149 of the National Planning Policy Framework, nor have there been any material considerations to indicate that an exception should be made in this case.

Richard Seaman
For and on behalf of
Director of Regeneration and Strategy

Date: 16/10/2022

Further Information

Should you have any queries about this application report, please contact:-

Sara Johnson (Case Officer) or (Lead Officer) Lauren Clarkson.

Reasons

1. The site lies within the approved Green Belt in the adopted Replacement Calderdale Unitary Development Plan (RCUDP), wherein there is a presumption against development for purposes other than those categories specified in paragraphs 149 and 150 of the National Planning Policy Framework (NPPF). The proposed development falls outside these specified categories and therefore represents inappropriate development in the Green Belt, which is by definition harmful. Furthermore, the new dwelling and associated infrastructure as a result of its siting would introduce an incongruous urban element in the open landscape harming the openness, character and visual amenity of the Green Belt. It has not been demonstrated that there is a genuine need for a new agricultural worker's dwelling or that it is essential for this use and as such, no very special circumstances have been demonstrated to justify an exception being made. The harm caused by the inappropriate development is further compounded by the harm that would be caused to the openness and visual amenity of the Green Belt, and the reasons for including land within it. The application is therefore contrary to policy GNE1 (Containment of the Urban Area) of the Replacement Calderdale Unitary Development Plan and advice contained within Section 13 (Protecting Green Belt land) of the National Planning Policy Framework.
 2. The siting and isolated nature of the proposed dwelling would be incongruous, prominent and visually obtrusive in the landscape and out of character with the surrounding open rural area, as such would be contrary to Policy BE1 (General Design Criteria) of the Replacement Calderdale Unitary Development Plan.
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